

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JANE ENVY, LLC,

Plaintiff,

v.

**LEEMODE INTERNATIONAL, INC. and
WOO ICK LEE,**

Defendants

CIVIL ACTION NO. 1:14-cv-4505 (JPO)

**DEFENDANTS ANSWER AND
AFFIRMATIVE DEFENSES TO THE
COMPLAINT**

Defendants Leemode International, Inc. and Woo Ick Lee (collectively, “Defendants”), through their undersigned counsel, hereby submit this Answer and Affirmative Defenses in response to the Complaint filed by Plaintiff Jane Envy, LLC (“Plaintiff”). To the extent not specifically admitted, Defendants deny each and every allegation in the Complaint. Defendants track the headings used in the Complaint for convenience and ease of reference, and deny the allegations, assertions or inferences contained therein.

1. The allegations in this paragraph are legal allegations. To the extent they call for an admission or denial, Defendants deny the allegations in this paragraph.

I. THE PARTIES

2. Defendants lack knowledge and information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint, and therefore deny them.

3. Admitted.

4. Defendants admit that Woo Ick Lee resides in Palisades Park, New Jersey and can be served at 60 Commerce Way, Hackensack, New Jersey 07601 or at 1261 Broadway, Suite 307, New York, New York 10001. Defendants admit that Woo Ick Lee is the President and Chief Executive Officer of Leemode, and that Woo Ick Lee is the sole owner of Leemode. Defendants deny the remaining allegations of this paragraph.

II. JURISDICTION AND VENUE

5. Admitted.

6. Admitted.

7. Admitted.

III. FACTS

A. JANE ENVY AND ITS FASHION JEWELRY DESIGNS

8. Defendants lack knowledge and information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint, and therefore deny them.

9. Defendants lack knowledge and information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint, and therefore deny them.

10. Defendants lack knowledge and information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint, and therefore deny them.

11. Defendants admit that Plaintiff is listed as the owner in the enumerated copyright registrations, but denies the validity of those copyright registrations. Defendants deny the remaining allegations of this paragraph of the Complaint.

12. Defendants admit that purported copies of the copyright registrations enumerated in paragraph 11 of the Complaint are attached to the Complaint as Exhibit A. Defendants deny the remaining allegations of this paragraph of the Complaint.

13. Defendants admit that Plaintiff is listed as the owner in the enumerated copyright applications, but denies the validity of those copyright applications. Defendants deny the remaining allegations of this paragraph of the Complaint.

14. Defendants admit that purported copies of the copyright applications enumerated in paragraph 13 of the Complaint are attached to the Complaint as Exhibit B. Defendants deny the remaining allegations of this paragraph of the Complaint.

15. Denied.

B. DEFENDANTS' INFRINGEMENT

16. Admitted.

17. Defendants admit that Leemode offers and sells its products from both its New York and New Jersey places of business. Defendants lack knowledge and information sufficient to form a belief about the truth of the remaining allegations in this paragraph of the Complaint, and therefore deny them.

18. Defendants admit that some of the products accused of infringement are found in Leemode's CRUX and PURE product lines, as advertised on Leemode's website, www.leemode.com. Defendants lack knowledge and information sufficient to form a belief about the truth of the remaining allegations in this paragraph of the Complaint, and therefore deny them.

19. Defendants admit that they have sold some of the accused products from their New York and New Jersey places of business. Defendants deny the remaining allegations in this paragraph of the Complaint.

20. Denied.

21. Defendants admit that some of the accused products have been ordered and purchased by residents in the Southern District of New York. Defendants deny the remaining allegations in this paragraph of the Complaint.

22. Denied.

23. Denied.

24. Denied.

25. Defendants admit that Mr. Lee is the sole shareholder of Leemode. Defendants deny the remaining allegations in this paragraph of the Complaint.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

IV. CLAIMS

Claim 1: Copyright Infringement of Registration No. VA 1-876-518

31. Defendants repeat their responses to the allegations of paragraphs 1 through 30 of the Complaint as if set forth in full herein.

32. Defendants admit that Jane Envy is listed as the sole owner in Registration No. VA 1-876-518. Defendants deny the remaining allegations of this paragraph of the Complaint.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

Claim 2: Copyright Infringement of Registration No. VA 1-872-142

40. Defendants repeat their responses to the allegations of paragraphs 1 through 39 of the Complaint as if set forth in full herein.

41. Defendants admit that Jane Envy is listed as the sole owner in Registration No. VA 1-872-142. Defendants deny the remaining allegations of this paragraph of the Complaint.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

Claim 3: Copyright Infringement of Registration No. VA 1-872-139

49. Defendants repeat their responses to the allegations of paragraphs 1 through 48 of the Complaint as if set forth in full herein.

50. Defendants admit that Jane Envy is listed as the sole owner in Registration No. VA 1-872-139. Defendants deny the remaining allegations of this paragraph of the Complaint.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

55. Denied.

56. Denied.

57. Denied.

Claim 4: Copyright Infringement of Registration No. VA 1-872-140

58. Defendants repeat their responses to the allegations of paragraphs 1 through 57 of the Complaint as if set forth in full herein.

59. Defendants admit that Jane Envy is listed as the sole owner in Registration No. VA 1-872-140. Defendants deny the remaining allegations of this paragraph of the Complaint.

60. Denied.

61. Denied.

62. Denied.

63. Denied.

64. Denied.

65. Denied.

66. Denied.

Claim 5: Copyright Infringement of Inspirational Collection

67. Defendants repeat their responses to the allegations of paragraphs 1 through 66 of the Complaint as if set forth in full herein.

68. Defendants admit that Jane Envy is listed as the sole owner in the purported “Inspirational Collection” copyright application. Defendants deny the remaining allegations of this paragraph of the Complaint.

69. Denied.

70. Denied.

71. Denied.

72. Denied.

73. Denied.

74. Denied.

75. Denied.

Claim 6: Copyright Infringement of Jane Marie One Collection

76. Defendants repeat their responses to the allegations of paragraphs 1 through 75 of the Complaint as if set forth in full herein.

77. Defendants admit that Jane Envy is listed as the sole owner in the purported “Jane Marie One Collection” copyright application. Defendants deny the remaining allegations of this paragraph of the Complaint.

78. Denied.

79. Denied.

80. Denied.

81. Denied.

82. Denied.

83. Denied.

84. Denied.

Claim 7: Copyright Infringement of Patina Collection

85. Defendants repeat their responses to the allegations of paragraphs 1 through 84 of the Complaint as if set forth in full herein.

86. Defendants admit that Jane Envy is listed as the sole owner in the purported “Patina Collection” copyright application. Defendants deny the remaining allegations of this paragraph of the Complaint.

87. Denied.

88. Denied.

89. Denied.

90. Denied.

91. Denied.

92. Denied.

93. Denied.

Claim 8: Copyright Infringement of Under the Sea Collection

94. Defendants repeat their responses to the allegations of paragraphs 1 through 93 of the Complaint as if set forth in full herein.

95. Defendants admit that Jane Envy is listed as the sole owner in the purported “Under the Sea Collection” copyright application. Defendants deny the remaining allegations of this paragraph of the Complaint.

96. Denied.

97. Denied.

98. Denied.

99. Denied.

100. Denied.

101. Denied.

102. Denied.

Claim 9: Other Copyright Infringements

103. Defendants repeat their responses to the allegations of paragraphs 1 through 102 of the Complaint as if set forth in full herein.

104. Denied.

105. Defendants admit that Plaintiff has filed and owns copyright registrations and pending applications for jewelry designs. Defendants deny the remaining allegations of this paragraph of the Complaint.

106. Denied.

107. Denied.

108. Denied.

109. Denied.

110. Denied.

111. Denied.

112. Denied.

PRAYER FOR RELIEF

Defendants deny that Plaintiff is entitled to any relief whatsoever, including the relief requested by Plaintiff in its prayer for relief and subparagraphs a through i.

WHEREFORE Defendants respectfully request the Court dismiss Plaintiff's Complaint with prejudice, enter judgment as a matter of law on behalf of Defendants, and award Defendants such other relief as the Court deems just and proper.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief can be granted.

2. Plaintiff's claims are barred in whole or in part by the doctrine of laches.
3. Defendants have not infringed U.S. Copyright Reg. No. VA 1-876-518.
4. Defendants have not infringed U.S. Copyright Reg. No. VA 1-872-142.
5. Defendants have not infringed U.S. Copyright Reg. No. VA 1-872-139.
6. Defendants have not infringed U.S. Copyright Reg. No. VA 1-872-140.
7. Defendants have not infringed any alleged copyrights in Plaintiff's Inspirational Collection.
8. Defendants have not infringed any alleged copyrights in Plaintiff's Jane Marie One Collection.
9. Defendants have not infringed any alleged copyrights in Plaintiff's Patina Collection.
10. Defendants have not infringed any alleged copyrights in Plaintiff's Under the Sea Collection.
11. Defendants have not infringed any valid copyright owned by Plaintiff.
12. U.S. Copyright Reg. No. VA 1-876-518 is invalid under 17 U.S.C. § 102, *et seq.*
13. U.S. Copyright Reg. No. VA 1-872-142 is invalid under 17 U.S.C. § 102, *et seq.*
14. U.S. Copyright Reg. No. VA 1-872-139 is invalid under 17 U.S.C. § 102, *et seq.*
15. U.S. Copyright Reg. No. VA 1-872-140 is invalid under 17 U.S.C. § 102, *et seq.*
16. Plaintiff's purported pending copyright application on its Inspirational Collection is invalid under 17 U.S.C. § 102, *et seq.*
17. Plaintiff's purported pending copyright application on its Jane Marie One Collection is invalid under 17 U.S.C. § 102, *et seq.*

18. Plaintiff's purported pending copyright application on its Patina Collection is invalid under 17 U.S.C. § 102, *et seq.*

19. Plaintiff's purported pending copyright application on its Under the Sea Collection is invalid under 17 U.S.C. § 102, *et seq.*

20. Defendants reserve the right to assert other defenses, cross-claims and third-party claims if and when they become appropriate in this action.

Respectfully submitted,

/s John K. Kim

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Counsel for Defendants

Dated: September 12, 2014

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2014, I electronically filed a copy of the foregoing Answer and Affirmative Defenses to Plaintiff's Complaint with the Clerk of Court using the Court's CM/ECF system, which will send electronic notification of such filing to counsel of record.

/s John K. Kim

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